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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,750	03/10/2000	David B. Black	C0375/188130	4939

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EXAMINER
KYLE, CHARLES R

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/522,750	BLACK, DAVID B.
	Examiner	Art Unit	
	Charles Kyle	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 May 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-6,14-15,17-18,20-22,30,33 and 35-38_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-6,14,15,17,18,20-22,30,33 and 35-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Examiners Note

The Examiner suggests that Applicant schedule a telephonic interview upon review of this office action, so as to further advance prosecution of the Application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 14-15, 17-18, 20-22, 30, 33 and 35-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to Claims 1-6, 14-15, 17-18, 20-22, 30, 33 and 35-38 Applicant's amendment and comments of the concept of function in real time provides basis for the withdrawal of the rejection based on this issue.

However, the claims recite that "providing an ability for the posting of the ready-for-posting transactions to occur in real time and be interspersed with the processing of the second type or transactions"; this is not a positive recitation that posting and interspersing actually occurs and does not limit the claims. To clarify, the providing an ability to do something is not the same as doing it.

Claims 35-36 recite the phrase "receiving a request to the data structure to update...". It is unclear how a data structure can receive a request and take action upon the request. Data structures are understood to be passive entities having no capacity for action.

Claim Rejections - 35 USC § 101

The rejections under 35 USC § 101 of the prior office action are withdrawn based on

Applicant's amendments to the Claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 14-15, 17-18, 20-22, 33 and 37-38 are rejected under 35 U.S.C. 103(a) as

being unpatentable over US 5,878,215 *Kling et al* in view of US 6,128,602 *Northington et al* and

further in view of *Accounting Principles and Applications, Parts One and Two*, hereinafter

Brock.

Concerning Claim 1, *Kling* discloses the invention substantially as claimed, including in

a method for processing transactions to accounts the steps of:

receiving transactions related to a plurality of the accounts (Col. 3, lines 61-

64);

converting the transactions into messages (Background of the Invention);

assigning a lower priority to first messages ready for processing relative to a
second type of messages (Col. 2, lines 36-50);

processing, with system resources, the second type of messages at the higher
priority than messages ready for first types messages (Abstract); and

processing first transactions to the accounts when the system resources are
available;

wherein the processing of the transactions can occur in essentially real-time
(Col. 5, lines 8-9; Fig 6.) and can be interspersed with the processing of the second
type of message (Figure 2).

Kling doses not specifically disclose that the first type of message is a posting
activity. *Northington* specifically discloses real-time posting activity (Col. 3, lines
21-34) and processing of credit authorization (Col. 16, lines 23-39) for a financial
institution (Background of the Invention). These are exactly types of transactions
which Applicant interleaves based on resource availability. It would have been
obvious to one of ordinary skill in the art at the time the invention was made to have
interspersed the posting transactions and credit authorization transactions of
Northington using the interspersed transaction processing of *Kling* because this would
have allowed timely processing of more time- sensitive transactions while making
best use of available resources.

Further, *Kling* suggests that posting would be performed in discussion of
message types at Col. 5, line 59 to Col. 6, line 19. In this passage, *Kling* discusses

account balance inquiry messages and the fact that other types of messages can

logically combined by his invention. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to have included a posting type

message in the invention of *Kling* because this would have made accurate account

balances for inquiry possible. If posting were not done on a timely basis through

messages, the financial balance inquiry disclosed would not be possible.

Northington, further discloses:

retrieving all transactions related to one of the accounts that are within

a predetermined historical time period (Col. 13, lines 7-20; Fig. 9, ele. 908;

Col. 7, lines 28-44; this limitation is also inherent to accounting functions of

maintaining and reviewing an account balance and activity);

first calculating a first new balance for the one account based on the

retrieved transactions (Col. 9, line 42 to Col. 10, line 13; this limitation is also

inherent to the accounting function of maintaining an account balance based

on a new receivable amount);

second calculating a second new balance for the one account based on

one of the second type of messages that is related to the one account:

generating an automatic adjustment when there is a difference between the

first and second calculating (Col. 13, line 40-59; the second new balance is

read as the newly allowed credit limit balance for the account and the second

type of message is read as a request for an change in a credit limit);

generating an automatic adjustment when there is a difference between

the first and second calculating and updating the one account based on the first

calculating, the second calculating, and the automatic adjustment (the

difference between the previous account balance when at maximum credit

limit and the value of the new credit limit); and

scheduling a next time for a next activity to performed for the one

account as updated (Col. 14, lines 29-67).

It would have been obvious to one of ordinary skill in the art at the time

of the invention to further modify *Kling* with this additional disclosure of

Northington because this would facilitate maintenance of credit limits at

appropriate levels for particular customers. Applicants' new limitations are

very broad and so allow *Northington* to read on them

As to the limitation that an activity is scheduled based on another

transaction not occurring, this would be obvious if there were an

interrelationship between two particular transactions.

Applicant amends the claims to recite two new limitations, one at steps

d1)-d7) and the other at d71)-d72).

As to steps d1) to d7), they effectively recite that an accounting entry

requiring correction is corrected with a reversing entry, an old and well known

practice in accounting practice. Applicant cites reversal of accrued interest as

an example of this feature (see page 15 of Remarks); many other examples of this occur in daily accounting. For example, *Brock* discloses the same accrued interest being reversed at pages 512-513, particularly page 513, the Feb 1, 19X3 entry.

As to steps d71)-d72), they effectively recite that an action (e.g., posting of a transaction) is performed before a period end (e.g., during a fiscal year) and that another action (e.g., posting of a transaction) is performed at a period end (e.g., fiscal year end) and that this is an ongoing process. It is old and well known in accounting practice to post transactions during a fiscal period and then identify other transactions at year-end that are then posted (closing entries), the functional equivalent of Applicant's language. For example, *Brock* discloses posting of salaries expense before year-end at page 268, Jan. 31, 19X1 debit to account 501 for $750 and posting a closing entry to salaries expense at year-end at page 328, Feb. 28, 19X2, debit to CP2 for 1950.

A broad and straightforward analysis of Applicant's new limitations allows this simple interpretation of the language. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Kling* with the old and well known actions (postings) disclosed by *Brock* because this would facilitate timely maintenance of accurate account balances.

The Examiner makes these comments in light of nine years of professional experience as an accountant and controller.

Concerning Claim 2, *Northington* discloses an authorization request at Col. 13, lines 33-37. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Kling* with the authorization request of *Northington* because this would facilitate processing of requests for increased credit limits.

With respect to Claims 3-4, *Northington* discloses credit accounts at Background and Summary of the Invention; posting of approved charges to such account is inherent to processing credit transactions.

With respect to Claims 5 and 6, *Kling* discloses plural and one at a time transaction receipt at the Abstract, i.e. transaction-interactive and batch-interactive.

With respect to Claims 14-15, see the discussion of Claims 2-4 above and note that they are old and well-known functions of credit account processing.

With respect to Claims 17-18, see the discussion of credit transaction authorization in the treatment of Claim 1 above, and the additional limitations recite only credit approval by an issuing financial institution or by a third-party credit network.

With respect to Claim 20, *Kling* does not specifically disclose a fee or credit to adjust account differences. Official Notice is taken that it was old and well known to issue such items to customers. For example, an overpayment by a customer would be compensated by a credit to the account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Kling* with such adjustments because this would avoid unjust enrichment of either seller or buyer.

Concerning Claims 21 and 22, *Kling* discloses statements and letters at Fig. 3, eles. 303 and 311.

With respect to Claims 33, see the discussion of Claim 1 regarding receivables and credit limit balance maintenance. Claim 33 recites adjustment of the second balance (credit limit balance) based on a "contribution" from the first balance. This is read as the increase or decrease of the credit limit balance depending on activity in the amount receivable.

With respect to Claim 37, it would have been obvious to refer to historical activity within the account period because this would provide most current and most relevant historical account activity.

Concerning Claim 38, Official Notice is taken that it is old and well to stagger payment due dates for accounts receivable. For example, it was known to have differing due dates for bills for persons whose names begin with differing letters. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Kling* to include such staggered periods for processing to evenly distribute bill processing over time.

Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kling et al* and *Northington et al* in view of *Accounting Principles and Applications, Parts One and Two*, hereinafter *Brock* and further in view of *Weissman*.

With respect to Claim 30, *Kling* discloses the invention substantially as claimed. See the discussion of Claim 1 above. *Kling* does not specifically disclose propagation of messages relating to accounts and detail accounts among the accounts. *Weissman* discloses group accounts and detail accounts in the account processing environment of *Kling* at Figs. 2-A and 2-B. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Kling* to include message propagation and the account structure of *Weissman* because this would provide detailed account structures which were consistent among themselves.

Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kling et al* and *Northington et al* in view of *Brock* and further in view of *Peachtree, Using Accounts Receivable and Invoicing*, hereinafter, *Peachtree*.

Concerning Claims 35 and 36, *Kling* does not specifically disclose the aging chain structure and related functionality. *Peachtree* discloses such an aging chain data structure at 3-23 to 3-29 and 8-11 to 8-13, particularly page 8-13 and the recited movement and replacement functionality at page 2-51 to 2-52. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Kling* with the aging structure and functionality of *Peachtree* because this would provide a person performing analysis of receivables updated information for such analysis. It would further have been obvious to replace the first existing with the adjusted balance derived in Claim 1 because this would provide a new value for current account balance.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The

examiner can normally be reached on 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk
July 22, 2005

Examiner Charles Kyle

Charles Kyle